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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/817,058	03/27/2001	Hitoshi Tada	401142	9201		
23548 7	590 03/26/2003					
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMI	EXAMINER		
		ARTMAN,		HOMAS R		
			ART UNIT	PAPER NUMBER		
			2882			
	DATE MAILED: 03/26/2003					

Please find below and/or attached an Office communication concerning this application or proceeding.

					KI
		Application No	i.	pplicant(s)	. "
	•	09/817,058		TADA ET AL.	
C	Office Action Summary	Examiner		Art Unit	
		Thomas R Artm	ian	2882	
The	e MAILING DATE of this communication ap	pears on the cov	er sheet with th	e correspondence ad	aress
Daried for Re	nlv				
THE MAIL Extensions after SIX (6 If the period If NO period Failure to re-	ENED STATUTORY PERIOD FOR REPL LING DATE OF THIS COMMUNICATION. of time may be available under the provisions of 37 CFR 1. MONTHS from the mailing date of this communication. d for reply specified above is less than thirty (30) days, a reply do reply is specified above, the maximum statutory period reply within the set or extended period for reply will, by statut eccived by the Office later than three months after the mailinent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, ho ply within the statutory n i will apply and will expir	ninimum of thirty (30) re SIX (6) MONTHS f	e timely filed days will be considered time from the mailing date of this of	ly. communication.
Status					
1)⊠ Re	esponsive to communication(s) filed on 27	<u> March 2001</u>	e* _1		
2a)∐ Th	nis action is FINAL . 2b)∏ T	This action is non	-tinal.		ha marits is
clo	nce this application is in condition for allow osed in accordance with the practice unde	wance except for er <i>Ex parte Quayi</i>	formal matters le, 1935 C.D. 1	1, 453 O.G. 213.	He memo io
Disposition		on			
4)⊠ Cla	aim(s) 1-20 is/are pending in the application	uii. rown from coneid	leration		
	Of the above claim(s) is/are withdr	awn hom consid	Cration.		
,	aim(s) is/are allowed.				•
	aim(s) is/are rejected.				
7)□ Cla	aim(s) is/are objected to.	t. stien require	oment		
8)⊠ Cla	aim(s) <u>1-20</u> are subject to restriction and/o	or election require	silient.		
Application		ner			
9)∏ The	e specification is objected to by the Examine drawing(s) filed on is/are: a)☐ acc	ner. cented or b)☐ obi	iected to by the	Examiner.	
10)∏ The	e drawing(s) filed on is/are: a) acc Applicant may not request that any objection to	the drawing(s) be	held in abevanc	e. See 37 CFR 1.85(a	ı).
_ A	Applicant may not request that any objection to e proposed drawing correction filed on	is: a)∏ appr	oved b) disa	approved by the Exam	niner.
11)∐ The	e proposed drawing correction filed on f approved, corrected drawings are required in	reply to this Office	action.	•	
	f approved, corrected drawings are required in	Examiner.			
	e oath or declaration is objected to by the	LAGITIMO			
Priority und	der 35 U.S.C. §§ 119 and 120	oian priority unde	er 35.U.S.C. § 1	119(a)-(d) or (f).	•
	cknowledgment is made of a claim for fore	eight phonty and			•
a)□	All b) Some * c) None of:	anta haye heen I	received		
1.	. Certified copies of the priority docume	ents have been i	received in Apr	olication No.	
2.	Certified copies of the priority docum	ents have been t	to have been re	eceived in this Nation	nal Stage
	Copies of the certified copies of the papplication from the International the attached detailed Office action for a	list of the certifie	ed copies not re	eceived.	
5e	knowledgment is made of a claim for dom	estic priority und	er 35 U.S.C. §	119(e) (to a provision	nal application).
	Commission of the foreign language	nrovisional appl	lication has bee	en received.	
15)□ Ac	cknowledgment is made of a claim for dom	nestic priority und	der 35 U.S.C. §	§ 120 and/or 121.	
Attachment(s		A	I) Interview Si	ımmary (PTO-413) Pape	r No(s)
2) Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) ation Disclosure Statement(s) (PTO-1449) Paper No	'/	5) Notice of Inf	formal Patent Application	(PTO-152)
U.S. Rotoot and Trac	demark Office	- A -41 C		P	art of Paper No. 5

Application/Control Number: 09/817,058

Art Unit: 2882

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-17, drawn to an optical modulator, classified in class 385, subclass 2.
- II. Claims 18-20, drawn to a method of manufacturing, classified in class438, subclass 29.

Inventions II and I are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the method can be used to make active rib waveguides in general and is not restricted to the specifics of the optical modulator.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Art Unit: 2882

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Jeffrey A. Wyand, Reg. No. 29,458, on March 11th, 2003, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R Artman whose telephone number is (703) 305-0203. The examiner can normally be reached on 8am - 5:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

TRA JH March 12, 2003

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